

1 SENATE BILL 563

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

3 INTRODUCED BY

4 Mary Kay Papen

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10 AN ACT

11 RELATING TO INSURANCE; AMENDING AND ENACTING SECTIONS OF THE
12 NEW MEXICO INSURANCE CODE TO PROVIDE FOR APPROVAL BY THE PUBLIC
13 REGULATION COMMISSION OF APPOINTMENTS BY THE SUPERINTENDENT OF
14 INSURANCE; PROVIDING FOR APPEALS OF DECISIONS BY THE
15 SUPERINTENDENT.

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17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 Section 1. A new section of Chapter 59A, Article 2 NMSA
19 1978 is enacted to read:

20 "[NEW MATERIAL] SUPERINTENDENT--APPOINTMENTS APPROVED BY
21 COMMISSION.--All appointments made by the superintendent of any
22 person to a board, commission, committee or similar group
23 pursuant to any statutory or regulatory authority shall be
24 subject to the approval of the commission."

25 Section 2. Section 59A-4-20 NMSA 1978 (being Laws 1984,
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1 Chapter 127, Section 67, as amended) is amended to read:

2 "59A-4-20. APPEAL TO COURT.--

3 A. A party may appeal from an order of the
4 superintendent made after an informal hearing or an
5 administrative hearing only by filing a petition with the
6 commission within thirty days after final disposition of the
7 matter by the superintendent. The commission shall either
8 grant or refuse the petition within twenty days after it is
9 filed. If the commission fails to act on the petition within
10 that time period, it shall be deemed a refusal. If the
11 commission grants the petition, it shall render a final order
12 of disposition within sixty days of the granting of the
13 petition. A refusal of the petition or final order of
14 disposition made by the commission pursuant to this section
15 shall constitute the final order of agency action, and the
16 entire matter may be subject to review by appeal to the
17 district court. The appeal shall be taken to the district
18 court pursuant to the provisions of Section 39-3-1.1 NMSA 1978.

19 B. This section shall not apply as to matters
20 arising pursuant to Chapter 59A, Article 17 NMSA 1978."

21 Section 3. Section 59A-57-4.1 NMSA 1978 (being Laws 2003,
22 Chapter 327, Section 2) is amended to read:

23 "59A-57-4.1. EXTERNAL GRIEVANCE APPEALS--APPOINTMENT--
24 COMPENSATION.--

25 A. Subject to the concurrence of the commission,

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1 the superintendent [~~may~~] shall appoint one or more qualified
2 individuals to review external grievance appeals.

3 B. The superintendent shall fix the reasonable
4 compensation of each appointee based upon, but not limited to,
5 compensation amounts suggested by national or state legal or
6 medical professional societies, organizations or associations.

7 C. Upon completion of the external grievance appeal
8 review, the superintendent shall prepare a detailed statement
9 of compensation due each appointee and shall present the
10 statement to the enrollee's health insurer.

11 D. The enrollee's health insurer shall pay the
12 compensation directly to each appointee who participated in the
13 external grievance appeal review.

14 E. The superintendent shall promulgate rules to
15 implement this section."

16 Section 4. Section 59A-57-5 NMSA 1978 (being Laws 1998,
17 Chapter 107, Section 5) is amended to read:

18 "59A-57-5. CONSUMER ASSISTANCE--CONSUMER ADVISORY BOARDS
19 [~~OMBUDSMAN OFFICE~~]---REPORTS TO CONSUMERS--SUPERINTENDENT'S
20 ORDERS TO PROTECT CONSUMERS.--

21 A. Each managed health care plan shall establish
22 and adequately staff a consumer assistance office. The purpose
23 of the consumer assistance office is to respond to consumer
24 questions and concerns and assist patients in exercising their
25 rights and protecting their interests as consumers of health

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1 care.

2 B. Each managed health care plan shall establish a
3 consumer advisory board. The board shall meet at least
4 quarterly and shall advise the plan about the plan's general
5 operations from the perspective of the enrollee as a consumer
6 of health care. The board shall also review the operations of
7 and be advisory to the plan's consumer assistance office.

8 ~~[D.]~~ C. The department shall prepare an annual
9 report assessing the operations of managed health care plans
10 subject to the department's oversight, including information
11 about consumer complaints.

12 ~~[E.]~~ D. A person adversely affected may file a
13 complaint with the superintendent regarding a violation of the
14 Patient Protection Act. Prior to issuing any remedial order
15 regarding violations of the Patient Protection Act or its
16 regulations, the superintendent shall hold a hearing in
17 accordance with the provisions of Chapter 59A, Article 4 NMSA
18 1978. The superintendent may issue any order ~~[he]~~ the
19 superintendent deems necessary or appropriate, including
20 ordering the delivery of appropriate care, to protect consumers
21 and enforce the provisions of the Patient Protection Act. The
22 superintendent shall adopt special procedures to govern the
23 submission of emergency appeals to ~~[him]~~ the superintendent in
24 health emergencies.

25 E. A person adversely affected by any order to

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1 grant or deny relief that is issued by the superintendent
2 pursuant to Subsection D of this section shall have the right
3 to hearing, review and appeal, pursuant to Sections 59A-17-34
4 and 59A-17-35 NMSA 1978, as they may apply."

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